

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JUDITH MELANIE LUCERO,

Plaintiff,

v.

No. CV 14-712 WJ/CG

CAROLYN W. COLVIN,
Acting Commissioner of Social Security
Administration,

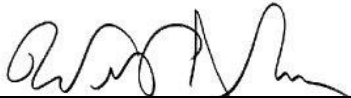
Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's *Proposed Findings and Recommended Disposition* ("PFRD"), filed on March 23, 2016. (Doc. 36). In the PFRD, the Magistrate Judge recommended that Plaintiff's *Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, With Memorandum in Support*, (Doc. 30), be granted and that attorney fees and costs be awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), ("EAJA"). The parties were notified that written objections to the PFRD were due within fourteen days. (Doc. 30 at 12). No objections have been filed and the deadline of April 11, 2016 has passed. The recommendations of the Magistrate Judge are adopted by this Court.

IT IS THEREFORE ORDERED that Plaintiff's *Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, With Memorandum in Support*, (Doc. 30), be **GRANTED** and that attorney fees be awarded under the EAJA, 28 U.S.C. § 2412(d), payable to Plaintiff in the amount of \$7,339.36. See *Astrue v. Ratliff*, 130 U.S. 2521 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED that, if Plaintiff's counsel receives attorney fees and costs under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



UNITED STATES DISTRICT JUDGE